IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.4511 OF 2007
IN
APPEAL NO.197 OF 2007

Ravindra Narottamdas Merchant .. Appellant
V/s
Niranjani Narottamdas Merchant & Ors. .. Respondents

Ms.Rita Bhatia for the Appellant.

Mr.M.M.Vaidya for Respondent No.2.

Ms.Beena Chavan i/by Mr.Baldev Wagh for Respondent Nos.1,3, 4 & 5.

CORAM : DR.S.RADHAKRISHNAN, &
ANOOP V.MOHTA, JJ.

DATE : 7th December, 2007.

P.C.:

1. Heard the learned Counsel for the Appellant, the learned Counsel for Respondent No.2 and the learned Counsel for Respondent Nos.1, 3, 4 & 5. By this Notice of Motion, the Appellant is seeking to recall the order dated 28.11.2007 whereby the Appeal was dismissed in default. Perused the affidavit in support of the Notice of Motion. For the reasons stated therein, sufficient cause is made out for recalling of the order dated 28.11.2007. There is no case of inaction, negligence or want of bonafide on the part of the Appellant. Hence the Notice of Motion is made absolute in terms of prayer clause (a).

2. Place the Appeal on board for final hearing on 17.12.2007.

(ANOOP V.MOHTA, J.) **(DR.S.RADHAKRISHNAN, J.)**